

IBM CORPORATION  
 INTELLECTUAL PROPERTY LAW DEPARTMENT  
 11400 BURNET ROAD  
 AUSTIN, TEXAS 78758  
 FAX # 512-823-1036

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DATE: 5-20-05

MAY 20 2005

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SEND TO: United States Patent Office  
 Examiner: Laurel E. Leflore  
 Group Art Unit: 2673  
 Tel No: \_\_\_\_\_  
 Fax #: 703-872-9306  
 FROM: Marilyn S. Dawkins  
 Tel No: 512-823-0094

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Docket No. Aus920010965-US1 Serial No. 10/042,045 Atty: MSD

Applicant: Scott J. Broussard

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|--|--|
| <input type="checkbox"/> Transmittal Letter (2 copies) | <input checked="" type="checkbox"/> Certificate of Facsimile   |
| <input type="checkbox"/> Amendment                     | <input type="checkbox"/> Notice of Appeal  |
| <input type="checkbox"/> Amendment AF                  | <input type="checkbox"/> Appeal Brief (3 copies)   |
| <input type="checkbox"/> Ext. of Time                  | <input type="checkbox"/> Reply Brief   |
| <input type="checkbox"/> IDS Statement                 | <input type="checkbox"/> Change of Address   |
| <input checked="" type="checkbox"/> Other              | <u>Proof of timely Submission of Notice of Appeal</u><br><u>1) Auto-Reply Fax Transmission</u> <u>2) 18m fax report</u><br><u>3) original fax cover sheet</u> <u>4) original Notice of appeal</u><br><u>and duplicate copy</u> |
- Deposit Acct. No. 09-0447

Fees: Amendment \_\_\_\_\_ Notice of Appeal \_\_\_\_\_ Appeal Brief \_\_\_\_\_ Other \_\_\_\_\_

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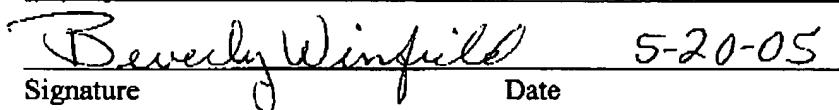
MAY 20 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	: Before the Examiner:
Scott J. Broussard	: Laurel E. Leflore
Serial No.: 10/042,045	: Group Art Unit: 2673
Confirmation Number: 4455	
Filed: 01/08/2002	: Intellectual Property Law Department
Title: DETERMINING A MINIMUM	: International Business Machines Corp.
SIZE OF PRESENTATION DATA	: 11400 Burnet Road
	: Austin, Texas 78758

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patcnt Office at facsimile number 703-872-9306 and to the attention of Examiner Laurel E. Leflore on 5-20-05

Beverly Winfield

 Beverly Winfield 5-20-05  
 Signature Date
PROOF OF TIMELY SUBMISSION OF THE NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Examiner has requested a copy of the Notice of Appeal for the Decision of the Primary Examiner mailed May 4, 2004, finally rejecting claims 1-20. The Notice of Appeal was faxed July 28, 2004 to the central facsimile number 703-872-9306. Included

AUS920010965US1

1

in this facsimile is the evidence to substantiate the original transmission on July 8, 2004 including i) a copy of the original Notice of Appeal with the Certificate of Facsimile Transmission and a cover sheet thereto; ii) the TX STATUS REPORT showing the Notice of Appeal (5 pages) was successfully faxed 07/28 at 11:06, and iii) Auto-Reply receipt from the USPTO fax server dated 7/28/2004 at 12:03 PM (reduced by 10%).

Respectfully submitted,

By Marilyn Smith Dawkins  
Marilyn Smith Dawkins  
Registration No. 31,140  
Intellectual Property Law  
IBM Corporation  
11400 Burnet Road  
Austin, Texas 78758  
Telephone No: (512) 823-0094

USPTO 7/28/2004 12:03 PM PAGE 1/001 Fax Server  
TO:Auto-reply fax to 512 823 1036 COMPANY:

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 512 823 1036

Fax Information

Date Received: 7/28/2004 12:00:49 PM [Eastern Daylight Time]  
Total Pages: 5 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

IBM CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 11400 BURNET ROAD AUSTIN, TEXAS 78758 FAX # 512-823-1036
DATE: <u>7-28-04</u>
Number of Pages to Follow (including cover sheet):
SEND TO: Examiner: <u>Laurel E LePore</u> Group Art Unit: <u>2675</u> Tel No: <u>703-872-9346</u> Fax #: <u>703-872-9346</u>
FROM: <u>Marilyn S Daniels</u> Tel No: <u>512-823-2094</u>
<p style="margin: 0;">THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PROPRIETARY, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE RECIPIENT OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR IF THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESSES ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.</p>
<p style="margin: 0;">Docket No: <u>401-20010905-001</u> Serial No: <u>10445</u> Atty: <u>MD</u></p> <p style="margin: 0;">Applicant: <u>Scott J. Brusseau</u></p>
<p style="margin: 0;"><input type="checkbox"/> Transcribed Letter (2 copies)      <input checked="" type="checkbox"/> Certificate of Facsimile</p> <p style="margin: 0;"><input type="checkbox"/> Amendment      <input checked="" type="checkbox"/> Notice of Appeal</p> <p style="margin: 0;"><input type="checkbox"/> Amendment AF      <input type="checkbox"/> Appeal Brief (3 copies)</p> <p style="margin: 0;"><input type="checkbox"/> Ext. of Time      <input type="checkbox"/> Reply Brief</p> <p style="margin: 0;"><input type="checkbox"/> IDS Statement      <input type="checkbox"/> Change of Address</p> <p style="margin: 0;"><input type="checkbox"/> Other</p>
<p style="margin: 0;">Deposit Acct. No. 09-0451 / 09-0447</p> <p style="margin: 0;">Recd: Amendment <u>7/28/04</u> Notice of Appeal <u>7/28/04</u> Appeal Brief <u>7/28/04</u> Other <u> </u></p>
<p style="margin: 0;">PAGE 13 * RCVD AT 5/20/2005 11:00:14 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/2 * DNIS:8729306 * CSID:512-823-1036 * DURATION (mm:ss):02-38</p>

\*\* TX STATUS REPORT \*\*

AS OF JUL 28 2004 11:07 PAGE.01

IBM AUSTIN IP LAW

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	JOB#	STATUS
09	07/28 11:06	USPTO	G3-S	01'23"	005	139	OK

IBM CORPORATION  
 INTELLECTUAL PROPERTY LAW DEPARTMENT  
 11400 BURNET ROAD  
 AUSTIN, TEXAS 78758  
 FAX # 512-823-1036

DATE: 7-28-04

Number of Pages to Follow (including cover sheet) .

SEND TO: United States Patent Office  
 Examiner: Laurel E. Leflore  
 Group Art Unit: 2673  
 Tel No:  
 Fax #: 703-872-9306

FROM: Marilyn S. Dawkins  
 Tel No: 512 - 823 - 0194

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

Docket No. AUS920010965US1 Serial No. 14/042,045 Atty: MSD  
 Applicant: Scott J. Broussard

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| <input type="checkbox"/> Other _____                   | _____  |

Deposit Acct. No. 09-0451 / 09-0447

Fees: Amendment \_\_\_\_\_ Notice of Appeal 331<sup>b3</sup> Appeal Brief \_\_\_\_\_ Other \_\_\_\_\_

IBM CORPORATION  
 INTELLECTUAL PROPERTY LAW DEPARTMENT  
 11400 BURNET ROAD  
 AUSTIN, TEXAS 78758  
 FAX # 512-823-1036

DATE: 7-28-04

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SEND TO: United States Patent Office  
 Examiner: Laurel E. Leflore  
 Group Art Unit: 2673  
 Tel No:  
 Fax #: 703-872-9306

FROM: Marilyn S. Dawkins  
 Tel No: 512 - 823 - 0194

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Docket No. AUS920010965US1 Serial No. 10/042,045 Atty: MSD  
 Applicant: Scott J. Broussard

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| <input type="checkbox"/> Other _____                   | _____  |

Deposit Acct. No. 09-0451 / 09-0447

Fees: Amendment \_\_\_\_\_ Notice of Appeal 330<sup>b7c</sup> Appal Brief \_\_\_\_\_ Other \_\_\_\_\_

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Scott J. Broussard	: Laurel E. LeFlore
Serial No.: 10/042,045	: Group Art Unit: 2673
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Filed: 01/08/2002	: Intellectual Property Law Department
Title: DETERMINING A MINIMUM	: International Business Machines Corp.
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Beverly Winfield

Beverly Winfield  
Signature

7-28-04  
Date

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed May 4, 2004, finally rejecting claims 1-20.

The item(s) marked below are appropriate:

1.  A petition and fee for extension of term for reply to the final rejection is attached.

AUS920010965US1

1

2. X

Appeal fee

X other than a small entity. Fee: \$330.003. X

Payment

X Please charge Deposit Account 09-0447 the sum of \$330.00. A duplicate of this notice is attached.

Respectfully submitted,

By Marilyn Smith Dawkins  
Marilyn Smith Dawkins  
Registration No. 31,140  
Intellectual Property Law  
IBM Corporation  
11400 Burnet Road  
Austin, Texas 78758  
Telephone No: (512) 823-0094

AUS920010965US1

2

PATENT  
10/042,045

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: 10/042,045	: Group Art Unit: 2673
Confirmation Number: 4455	: Intellectual Property Law Department
Filed: 01/08/2002	: International Business Machines Corp.
Title: DETERMINING A MINIMUM SIZE OF PRESENTATION DATA	: 11400 Burnet Road : Austin, Texas 78758

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Beverly Winfield

Beverly Winfield  
Signature

7-28-04

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PATENT  
10/042,045

2. X Appeal fee  
X other than a small entity. Fee: \$330.00

3. X Payment  
X Please charge Deposit Account 09-0447 the sum of \$330.00. A duplicate of this notice is attached.

Respectfully submitted,

By Marilyn Smith Dawkins  
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Registration No. 31,140  
Intellectual Property Law  
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Austin, Texas 78758  
Telephone No: (512) 823-0094

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